

Application Number 10/824,155  
Amendment dated January 9, 2008  
Response to Office Action mailed October 9, 2007

### **REMARKS**

This amendment is responsive to the Office Action dated October 9, 2007. Applicant has amended claims 1, 10, and 17-25. Claims 1-25 are pending.

#### **Claim Rejection Under 35 U.S.C. § 101**

In the Office Action, the Examiner rejected claims 17-25 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicant has amended claims 17-25 in accordance with the Examiner's suggested format. These claims are now limited to the tangible embodiment of a computer-readable storage medium. As claims 17-25 have been amended to satisfy 35 U.S.C. 101, Applicant requests withdrawal of this rejection.

#### **Claim Rejection Under 35 U.S.C. § 102**

In the Office Action, the Examiner rejected claims 1-6, 10-14 and 17-22 under 35 U.S.C. 102(b) as being anticipated by Thebaut et al. (US 5,889,953). Applicant traverses the rejection to the extent such rejection may be considered applicable to the amended claims. Thebaut fails to disclose each and every feature of the claimed invention, as required by 35 U.S.C. 102(b), and provides no teaching that would have suggested the desirability of modification to include such features.

For example, Thebaut fails to teach or suggest a method comprising receiving configuration information and applying changes to candidate configuration data of a network device in response to the received configuration information, as required by Applicant's currently amended claim 1. Moreover, Thebaut fails to teach or suggest the method comprising applying an implementation-specific configuration policy to alter the changes that were applied to the candidate configuration data in response to the received configuration information, wherein the implementation-specific configuration policy comprises user-defined checks that prohibit configuration of the network device in a manner inconsistent with an intended implementation of the network device even when the candidate configuration data is semantically and syntactically correct, as also recited by Applicant's currently amended claim 1. Additionally, Thebaut fails to teach or suggest the method comprising committing the altered candidate configuration data to

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operational configuration data of the network device, as further recited by Applicant's currently amended claim 1.

Instead, Thebaut begins by describing the growing costs associated with reconfiguring a network and specifically notes that reconfiguration costs refer not to the replacement of network devices but to "the adding, moving and changing of users connected to the network." (Background, column 1, lines 31-36, 46-48) Thebaut clearly identifies this problem, stating "a management system is needed which allows someone who is not an internetworking expert to perform the more mundane operations, such as moving users around ..." (Background, column 1, lines 51-54) The solution proffered by Thebaut to solve the problem includes "a framework for implementing a policy in network management." (Summary, column 2, lines 5-6)

The Thebaut system includes a policy configuration manager (PCM), which "monitors and controls the configuration of network devices with respect to a prescribed policy." (Column 4, lines 65-67 – Column 5, line 1) Thebaut defines a configuration as "a set of particular values of attributes that govern the operational characteristics of a device (e.g., port thresholds, on/off switches, access, security, etc.)." (Column 5, lines 35-37) Thebaut provides that a configuration record is "a copy of a configuration for a particular device." (Column 5, lines 39-41) A policy, Thebaut explains, "expresses a relation between a configuration record and a device; the expression 'attaches to' represents this relation." (Column 5, lines 53-55) Thebaut continues by providing an example policy that enables a network administrator to assign a particular configuration (i.e., rule) to a particular device (i.e., object), "regardless of whether the current configuration of the device is equivalent to the desired configuration record." (Column 5, lines 55-60) The Thebaut PCM therefore provides the necessary components to attach configuration records to elements, such as network devices, to create, monitor, and enforce configuration policies. (Column 5, lines 60-67 – Column 6, lines 1-2)

Applicant submits that the Examiner has construed each of Applicant's independent claims 1, 10, and 17 in an overly broad and improper fashion by failing to acknowledge limitations recited in these claims. For example, in rejecting Applicant's original claim 1, the Examiner cites column 5, lines 1-6 of Thebaut to suggest a method comprising applying changes to candidate configuration data of a network device. The Examiner specifically points out that Thebaut states in column 5, lines 1-6 that "the application will modify configuration[s] (if

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needed).” However, the Examiner fails to provide any reference in Thebaut that teaches to modifying **candidate** configuration data. Applicant agrees that the Thebaut PCM allows for the modification of configurations, but these configurations are currently active in a network device and are distinctly different from candidate configuration data that has yet to be applied to the network device. In other words, Thebaut modifies configurations (or configuration data) committed, applied, or currently active within a network device, but does not apply changes to **candidate** configuration data, as required by Applicant’s original claim 1. The Examiner has therefore improperly construed Applicant’s independent claims by failing to properly limit configuration data to candidate configuration data.

As another example, the Examiner, in rejecting Applicant’s original claim 1, cites column 5, lines 16-29 and 53-60 of Thebaut as disclosing a method comprising applying an implementation-specific configuration policy to alter the changes to the candidate configuration data. Again, Thebaut lacks any teaching that would have suggested applying a policy to alter the changes to **candidate** configuration data, let alone applying an implementation-specific configuration policy to alter **changes** to candidate configuration data, as required by Applicant’s original claim 1. An implementation-specific configuration policy is distinctly different from the Thebaut policy. The Thebaut policy expresses a relation between a configuration record and a device (Column 5, lines 53-55). Thebaut offers an example of a CM policy in column 6, lines 44-48, , which is presented below to facilitate the discussion:

“Other examples of CM policies include the following:

CR-1.4 is attached to LAN-1 if Conditions ‘the time is between 8 a.m. and 5 p.m.’

CR-1.5 is attached to LAN-1 if Conditions ‘the time is between 5 p.m. and 1 a.m.’”

The abbreviation CR stands for configuration record and LAN-1 is a device. The above example CM policy provides that CR-1.4 is **applied** if the time is between 8 a.m. and 5 p.m. and CR-1.5 is **applied** if the time is between 5 p.m. and 1 a.m, thereby again teaching away from **candidate** configuration data. The above CM policy does not apply to **changes** to candidate configuration data but, instead, replaces the entire CR-1.4 with CR-1.5 upon reaching a certain time, i.e., 5 p.m. At best, Thebaut teaches to condition-specific policies that swap between configuration records based on the occurrence of specific conditions contrary to Applicant’s implementation-specific policy, which does not determine which configuration to apply but rather **alters** changes to

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candidate configuration data. The Examiner has therefore improperly construed Applicant's independent claims by failing to 1) properly limit configuration data to candidate configuration data and 2) properly limit application of the implementation-specific policy to changes to candidate configuration data.

As yet another example of improper construction of Applicant's independent claims, the Examiner, in rejecting Applicant's original claim 1, suggests that column 5, lines 35-39 of Thebaut suggests a method comprising committing the altered candidate configuration data to operational configuration data of the network device. The Examiner references in particular the portion of the above cite that includes the following line: "A configuration is a set of particular values of attributes that govern the operational characteristics of a device." Applicant, as stated above, agrees that a Thebaut configuration is committed, active, or operational within a network device, but Applicant's independent claims require that altered candidate configuration data be committed to operational configuration data. For Thebaut to read on this portion of Applicant's original claim 1 for example, the configuration data of Thebaut would have to be updated with candidate configuration data that was altered through application of a policy to the candidate configuration data. Thebaut simply makes no mention of candidate configuration data or to committing such data to operational configuration data. Recital by the Examiner of the definition of a Thebaut configuration cannot rectify Thebaut's failure to disclose limitations recited by Applicant's independent claims. The Examiner has therefore improperly construed Applicant's independent claims by failing to, again, properly limit configuration data to **altered candidate configuration data**.

Applicant stresses that the above arguments apply to each of independent claims 1, 10, and 17 as presented **originally**, not as amended, and therefore requests withdrawal of the rejection based solely on the original claims because the Examiner failed to properly construe each of the original independent claims 1, 10, and 17 as described above. However, for purposes unrelated to patentability, the Applicant has amended each of independent claims 1, 10, and 17 to clarify 1) that configuration information is received and in response to the received configuration information, candidate configuration data is altered and 2) what is meant by an implementation-specific configuration policy. Thebaut lacks any teaching to suggest either of these limitations.

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For example, Thebaut lacks any teaching to suggest receiving configuration information and applying changes to candidate configuration data of a network device in response to the received configuration information, as required by Applicant's amended claim 1. Quite the contrary, Thebaut teaches to a policy that swaps configuration records, as described above, which Thebaut presumes to already exist otherwise the policy could not swap between unknown configuration records. Applicant's independent claims, as amended, however require receiving configuration information and applying changes to the candidate configuration data. Thebaut, therefore lacks any teaching to suggest applying changes to candidate configuration information **in response to receiving configuration information.**

As another example, Thebaut lacks any teaching to suggest a policy comprising user-defined checks that prohibit configuration of the network device in a manner inconsistent with an intended implementation of the network device even when the candidate configuration data is semantically and syntactically correct. Thebaut, instead, discloses a policy that swaps between a plurality of configuration records, where each record is a copy of a configuration. The above exemplary CM policy specifically suggests that one configuration record, CR-1.4, may be swapped out and replaced with another configuration record, CR-1.5, at a given time. The Examiner may suggest that the conditions of the above CM policy (e.g., "if the time is between 8 a.m. and 5 p.m.") constitutes a user-defined check but Applicant again submits that the user-defined checks of the Applicant's claimed invention are applied to **changes** that were applied to **candidate** configuration data, not to a clock, as the above CM policy suggests. In other words, the Thebaut policy defines conditions that must be satisfied before applying a configuration record, not a policy for approving changes to the record by first verifying that the changes satisfy user-defined checks. Because Thebaut makes no mention of user-defined checks generally and in particular makes no mention of user-defined checks that prohibit configuration of the network device in a manner inconsistent with an intended implementation even when the candidate configuration data is semantically and syntactically correct.

Thebaut also lacks any teaching to suggest a policy comprising user-defined checks that **prohibit** configuration of the network device, as required by Applicant's independent claims 1, 10 and 17, each as amended. Thebaut merely teaches to a policy that swaps between various configuration records as described above, which does not read on *prohibiting* configurations.

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Therefore, Thebaut does not teach to 1) receiving configuration information and updating candidate configuration information in response to receiving the configuration information, 2) applying an implementation specific configuration policy to candidate configuration information wherein the candidate configuration information comprises user-defined checks that prohibit configuration of the network device, as required by Applicant's amended independent claims 1, 10 and 17. Consequently, Applicant requests withdrawal of this rejection.

As dependent claims 2-9, 11-16, and 18-25 depend on respective amended independent claims 1, 10, and 17, these dependent claims also benefit from each of the above arguments. Yet, Thebaut also lacks any teaching that would have overcome many of these dependent claims. For example, the Examiner in rejecting original claims 2, 11, and 18 the Examiner asserts that column 5, lines 65-67 and column 6, lines 1-2 of Thebaut discloses generating additional configuration data and inserting the additional configuration data into the changed candidate configuration data. The portion of Thebaut cited by the Examiner however disclose a PCM having components to attach configuration records to elements to *create* configuration policies, not create or generate additional configuration data, as required by Applicant's original claims 2, 11, and 18. The Examiner also relies on the above portion of Thebaut and column 11 lines 35-39, 43-44 to reject Applicant's original dependent claims 3 and 19, however, again Thebaut, in these portions, disclose identifying attributes inside the *policies* not the configuration data, and certainly not candidate configuration data, as required by Applicant's claims 3 and 19. The Examiner appears to suggest that a policy is the same as configuration data, but Thebaut clearly teaches that each are separate and even provides distinct definitions for both.

The Thebaut reference fails to disclose each and every limitation set forth in claims 1-6, 10-14 and 17-22. For at least these reasons, the Examiner has failed to establish a prima facie case for anticipation of Applicant's claims 1-6, 10-14 and 17-22 under 35 U.S.C. 102(b). Prompt withdrawal of this rejection is requested.

#### **Claim Rejection Under 35 U.S.C. § 103**

In the Office Action, the Examiner rejected claims 7-9, 15, 16, and 23-25 under 35 U.S.C. 103(a) as being unpatentable over Thebaut et al. (US 5,889,953) in view of Callahan et al. (US 2002/0157023). Applicant respectfully traverses the rejection to the extent such rejections may

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be considered applicable to the claims as amended. The applied references fail to disclose or suggest the inventions defined by Applicant's claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention.

Applicant submits that Callahan fails to overcome the deficiencies described above with respect to Thebaut. The Examiner refers solely to one or more of paragraphs [0056], [0057], and [0058] of Callahan in rejecting each of dependent claims 7-9, 15, 16, and 23-25. Not one of these paragraphs discloses application of an implementation-specific policy to changes to candidate configuration data, as required by Applicant's original claim 1, for example. The Examiner, however, in rejecting dependent claims 7, 15, and 23, states that "Callahan teaches [that] applying an implementation-specific configuration policy to the copy of the candidate configuration occurs via an Extensible Markup Language (XML) Application Program Interface (API)." (Office Action, page 7, second paragraph) This is incorrect.

Callahan teaches, at most, only to pre-processing and post-processing XML content via a simple XML API, not to applying an implementation-specific configuration policy to the copy of the candidate configuration by way of an Extensible Markup Language (XML) Application Program Interface (API), as required, for example, by Applicant's original claim 7. That is, the Examiner incorrectly attributes applying an implementation-specific configuration policy to Callahan, when in fact, Callahan only discloses using an XML API to pre- and post-process XML content. Because Callahan does not, in fact, disclose applying an implementation-specific configuration policy, Callahan fails to rectify the deficiencies noted above with respect to Thebaut. Applicant therefore request prompt withdrawal of the rejection based on 35 U.S.C. 103(b).

As another example, the Examiner suggests that Callahan discloses in paragraphs [0057] and [0058] that an implementation-specific configuration policy comprises an Extensible Style Language Transformation (XSLT) script, as required by Applicant's original claim 9. Again, this is incorrect. Callahan discloses XSLT scripts but not that an implementation-specific configuration policy comprises an XSLT script. Applicant presumes in both instances that the Examiner intends to suggest that Thebaut discloses the implementation-specific configuration policy aspect and that Callahan discloses the XML, XML API, and XSLT script aspects, otherwise the Examiner should have more properly rejected these claims under 35 U.S.C. 102 as

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being anticipated by Callahan. Callahan therefore fails to disclose an implementation-specific configuration policy or cure any of the above deficiencies described with respect to Thebaut. The applied references therefore fail to disclose or suggest the inventions defined by Applicant's claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention.

For at least these reasons, the Examiner has failed to establish a prima facie case for non-patentability of Applicant's claims 7-9, 15, 16, and 23-25 under 35 U.S.C. 103(a). Withdrawal of this rejection is requested.

### CONCLUSION

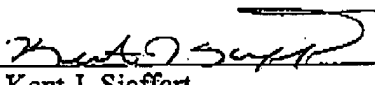
All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

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By:

January 9, 2008

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